

FILED

UNITED STATES COURT OF APPEALS

FEB 17 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PIROUZ SEDAGHATY,

Defendant - Appellant.

No. 11-30342

D.C. No. 6:05-cr-60008-HO

District of Oregon,

Eugene

ORDER

Before: SCHROEDER and LEAVY, Circuit Judges.

In reviewing the district court's denial of release pending appeal, we review factual determinations for clear error and legal determinations de novo. *United States v. Garcia*, 340 F.3d 1013, 1015 (9th Cir. 2003).

The district court did not err in finding that appellant has not shown, by clear and convincing evidence, that appellant is not likely to flee if released. *See* 18 U.S.C. § 3143(b); *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985). Accordingly, appellant's motion for bail pending appeal is denied.

The motion to correct or modify the record will be addressed by separate order.

The briefing schedule is stayed pending further order of the court.

SL/MOATT